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H – 980

International Court of Justice

H0980 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PRAGRAPH 4 OF THE ORDER OF THE TRIBUNAL, DATED 13 MARCH, 1946

TUESDAY, 25 JUNE 1946

COMMISSIONER:

Mr. McIlwraith.

THE XXXX SS

(The Commission convened at 1600 hours.)

HELMUTH KLUCK, a witness, took the stand and testified as follows:

Mr. McIlwraith: Will you stand and raise your right hand and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

BY MR. MCILWRAITH:

Q Ir your name Helmuth Kluck?

A Yes.

You may sit down.

DIRECT EXAMINATION

By DR. HOENSEL:

Q Were you a member of the SS, Herr Kluck?

A Yes, I was a member of the SS in the free state

H0980-0003

of Danzig and was employed as a doctor and also as a commissioner until 1936 when I was discharged from the SS because I had been against the party leaders and had opposed the national socialist idealogy

MR. MCILWRAITH: Will you state what it is you expect to prove by this witness .

DR. HOENSEL: The tasks and objectives of the SS in the free state of Danzig and the Danzig commission and/his knowledge of their activities.

BY DR. HOENSEL:

Q As you have heard, witness, we are going to speak of Danzig and of the Danzig Commission. Who was the head of the State, the Supremacy of the State or Sovereignty /of the State in Danzig?

A The full sovereignty lay solely within the hands of the Senate of the free state of Danzig. This Senate was composed of a President and several paid and unpaid Senators who were elected and had to pledge their oath to the Constitution. They were supervised by the High Commissioner and by the International League and also by a General Commissioner of the Police.

COLONEL JONES: I don't want to interrupt at this early stage ~~with~~ our the interpretation, which I suppose can be verified, cannot have any possible bearing upon the points which we are to investigate.

H0980 - 0004

DR. HOENSEL: I will turn to this in just one minute. I only ask these general questions because I don't want to have the opinion arise that/the Tribunal was not fully informed on the legal status of the Commission in Danzig.

MR. McILWRAITH: You may continue.

BY DR. HOENSEL:

Q In this non-German town of Danzig there was a German SS. Was this German SS under the jurisdiction and command of the General leadership?

A The NSDAP and the SS in Danzig were the same as everywhere else in Germany. They had their connections in Poland and Germany, but because of the special position of Danzig the organizations here were placed in a special status because the constitution of Danzig was above everything else.

Q Will you please confine yourself to the SS as the Prosecution has asked. Did the SS wear uniforms in Danzig?

A Yes

Q Were you a Senator?

A Yes, I was a Senator for the Health System of Danzig.

Q What rank did you have in the SS?

A In 1933 after a short period of ~~canvassing~~ candidacy

3

Com A
Take 4, page ~~3~~ 4
Cook
1600 - 1730
25 June 1946
Kluck

H0980 - 0005

I was designated a Sturmfuhrer doctor with equal rank to the title I held as government/commissar and medical commissar since 1925. In 1935, in the autumn of 1935 I was promoted to the position of SS Standartenfuhrer on the application of the President of the Senate and this rank was given to me to correspond to the rank of Senator I held then. In 1936 I was discharged and was degraded to the simple SS command.

Q Within your work as SS Commander in the organization of Danzig, did you try to exert any influence toward bringing about an annexation of Danzig?

A I did not enter the SS for any idealogical reasons. I thought I would not be able to retain my position as Government Commissar and medical Commissar if I did not enter the party.

Q Did the SS propose any secret political aims?

A I do not believe so, for the party slogan in Danzig was that Danzig would remain German.

Q What is the meaning of the slogan: "Danzig will remain German." That sounds as if there was an attempt to again incorporate Danzig into the German State.

A The party slogan only meant that the German nature of Danzig was to be cultivated because many people in Danzig were afraid that they would become Polish one day, but there was never an unpleasant thought toward

4

H0980 - 0006

a forcible annexation of Danzig to~~ward~~ the German Reich, in as much as in 1934 Germany and Poland had formed a friendship pact, and Hitler had repeatedly said to us he only wanted a peaceful settlement of the Treaty of Versailles.

Q Did theSS in Danzig receive any secret instructions contrary to this policy of loyalty?

A Surely not in my time, first of all I would have learned of this as a SS man and as a commander.

Q Did other leading democrats, Rauschning, for example, belong to the SS because of this loyal attitude of the SS?

A Rauschning was an SS Standartenfuhrer and well known because of his political attitude, and he called me into the Senate to be a Senator, and he emigrated from Danzig a short time before I did. When I was tried before the party Tribunal it was stated by the President that now at last the ~~xrx~~ era of Rauschning was over, but he and I had acted completely loyal, and in good faith, and both of us did not know that in a few years developments could arise as they finally did.

Q Were there any such organizations in Danzig by the SS or any organizations such as secret radio stations or a so-called Heimwehr, the defense army, that could be termed by reason of their activity to be a so-called fifth column.

H0980 - 0007

A No, such a thing did not exist and could not have existed. It was practically impossible. The area of Danzig was small and my estimate of the SS was about six to eight hundred men strong, and it was supervised by the High Commissioner and the Polish Commissioner, which was very active and nothing could have happened that would not have been published in the Polish Press within a few days.

MR. McILWRAITH: Dr. Hoensel, will you try and ~~give~~ ser shorter sentences, so they can be translated more or less as we go along.

BY DR. HOENSEL:

Q Were you ever invited by the High Commissioner or by the Polish Commissioner in your SS uniform, and in your SS capacity did you carry on any missions, were you esteemed in your attitude as being loyal?

A I was invited by the High Commissioner of the League of Nations and I was also invited by the High Commissioner of Poland, but I don't know whether I went there in uniform, but I know for a fact that the gentlemen knew me and knew I was a member of the SS. I also was a member of the International Trans-oceanic group, whose President was the High Commissioner and the Commissioner of Poland -

H0980-0008

MR. McILWRAITH: I think that is enough of that now. Can we get on to the tasks of the SS?

BY DR. HOENSEL:

Q As you already mentioned, you later on left the SS, did you do so because you considered the SS a criminal organization, that the tasks were criminal ones or did you leave for other reasons?

A I can testify that during my time the SS neither thought of nor did anything criminal. There were four serious reasons that took place during the year 1936, and that was why I left the SS.

Q If these reasons did not concern the SS directly we are not interested in them. Will you tell us in such a case briefly why you opposed it and why you left it?

A I sent a memo to Himmler and also to Hitler and Hess, by the way, in which I severely attacked the party politics. Himmler was the Reichsfuehrer of the SS and my supreme superior as head of the SS.

Q When did this take place?
A At the beginning of 1936.
Q Was this based on any criminal activities or on different political convictions?

A There was nothing criminal with which I could reproach either the SS or the party. There were just serious mistakes as far as the home policy was concerned with which I could not agree.

H0980 - 0009

Q And because you held a different opinion you were able to leave? Was this so only because you held a special position as far as Danzig was concerned or could you also have left the party or the SS if this had taken place within the Reich proper?

A I left the SS in Danzig and too I could have done the same thing in Germany, although I believe the consequences would have been more serious ones.

Q What do you mean by "more serious consequences"?

A Formally, there would only have been a discharge from the SS/~~xxxinxDanzigxxx~~ as in Danzig. But for example being a citizen of the free state Danzig I was able to emigrate to America, a thing I could not have done if I had lived in Germany.

Q What would have happened to you if you had been in Germany and taken such a ~~xxxxx~~ position and got into a conflict with the highest leadership groups?

A I believe it would have meant a complete ruin of my career as far as myself and my family were concerned.

Q Would you also have had to fear being placed in a concentration camp even though just because you were just an SS man?

A I am afraid I would havebeen sent to a concentration camp.

Q You said you went to South~~xx~~ America. That

H0980-0010

means that you were in a position to judge things from the outside, but in 1940 you returned to Germany, not voluntarily, how do you explain this question which has played a very important role here before the Court, that abroad very much more was known about criminal activities in Germany than was known in Germany itself?

A When I arrived in America I was surprised at how little we had known up to now concerning events in Germany. When I returned to Germany at the end of 1940 I was again in my turn surprised at how little the people in Germany knew and how little they would listen to me because I wanted to explain things to them.

MR. McILWRAITH: Dr. Hoensel, you have told us that you called this witness to show the tasks and objectives of ~~this commission~~ the S.S. in Danzig. There has been no evidence of that yet. Will you get on with it?

DR. HOENSEL: The question of knowledge of criminal activities was also placed on the aggenda.

BY DR. HOENSEL:

Q When you returned to Germany you said you were surprised that people were so little informed and understood so little, but where you did find understanding, did you also find protest and passive resistance?

A I should like to answer this question correctly. I no longer had any relation or connection with the party

H098O -0011

in the SS but I had a number of acquaintences in Berlin and I can say and will say that the majority of these acquaintences were particularly opposed to the party and it's policies.

Q On your return to Danzig, let us consider the difference in Danzig this opposition lead to, did you openly leave the SS and Germany?

A Dr. Rauschning was the first one who came into severe opposition and was able to leave the party, and after him I did. In Germany, in my opinion, the people simply could not do anything if they did not want to endanger their very existence. Is that what you mean?

Q Did Rauschning belong to the SS in Danzig?

A Yes.

Q And you as a Senator also belonged to the SS in Danzig?

A Yes

Q Then one would have to draw the conclusion that in Danzig there could not have been any mention of open criminal or official criminal activities of the SS?

A No mention can be made, or one cannot speak of any official tendency or aims and criminal tendencies and I can prove that. But crimes really were committed in later years which disgusted all of us.

H0980 - 0012

Q Did these have anything to do with the original objective that you also adhered to until 1937 or were they due to outside influences that came later?

A Until 1936 there had occurred in Danzig neither any Jewish ~~program~~ pogrom, nor had the Nurnberg law become effective. How were we to imagine that anything criminal was intended, and many of my comrades who visited Danzig from the Reich gleaned the same impression. These people were not well informed and did not believe in crimes. In my opinion it was always only small circles who knew and had a hand in these things.

Q When you entered the SS and were standartenfuhrer for many years you must have had in mind some of the aims of this organization. Were any of these aims connected with any measures that would affect the life and property of the Jews?

A In order to clarify the point, I was only a standartenfuhrer for one year. Neither in the party program or the program of the SS nor in our instructions was anything said that would lead to the conclusion that the anti-semitism was to take on an aggressive, bestial or active character.

Q Did the original aims differ in Danzig from those in Germany?

A The original aims were exactly the same.

H0980 - 0013

Q If later on these original aims were deviated from, that would be the result of measures not included in the original aims?

A I know, if I may add something, I know very many SS men who were appalled at the course that was steered later on by the SS.

Q Was the same thing true of a danger of a war? Did you believe that during the years that you were a Senator and Standartenfuhrer, that things could be settled without recourse to a war with Poland?

A We never believed in war all along becuase Poland and Germany had made a friendship pact and this applied until 1936.

~~MR. McILWRAITH: Dr. Hoensel, I apologize for having called you by the wrong name.~~

~~DR. HOENSEL: I was going to call your attention to it later on.~~

MR. McILWRAITH: ~~Will you correct it on the record, please?~~

Is there any cross examination?

CROSS EXAMINATION

BY COLONEL JONES:

Q Witness, you have told us there were four reasons for your discharge from the SS in 1936.

A Yes

H0980 - 0014

Q One of them I understand was xx in connection with a memo you sent to Himmler and Hess, attacking the foreign policy of the Nazi party?

A No, the home or inner policy of the Danzig party.

Q What were the other three reasons?

A The second reason was the death of a SA man. This man was killed during a political central party meeting.

Q I don't want to go into it at great length, but we can summarize very ~~briefly~~ briefly, how does the death of a SA man affect your leaving or discharge from the SS?

A This SA man was declared a leader of the party movement and I warned the party not to do so, because in my capacity being in charge of the pathological and anatomical institute I had known the real cause of this man's death. The cause of this man's death was due to a syphilitic heart disease, and with this knowledge of it I told them it would lead to the utmost embarrassment of the party and party leaders.

Q Now, that is the second reason. May we have the third reason?

A The third reason was the arrest of a Jewish ~~lady~~ doctor, a Dr. Bech.

Q Who was that arrest undertaken by?

H0980 - 0015

A This Jewish ~~lady~~ lady doctor was arrested under the suspicion of having carried out a criminal abortion and asked me to visit her in her prison.

Q I don't think we need to go into that any further.

MR. McILWRAITH: Dr. Pelkmann, were you wishing to call another witness tonight?

DR. PELKMANN: It is not my turn to call the next witness. The next witness is for the SD.

MR. MCILWRAITH: I think not. I think the next witness is Tschentscher.

DR. PELKMANN: I went and looked the other xxx day and decided that if we could not interrogate all of our witnesses, I said I would withdraw that witness.

DR. MCILWRAITH: Very well, then we will continue.

WITNESS: I should like to/ask xxxxxx a personal xxxxxxxxx request of the Commissioner.

MR. MCILWRAITH: Yes.

WITNESS: I should like to have a copy of the record of my interrogation in German.

MR. MCILWRAITH: That is not for the Court to decide. You must put that request through the prison governor.

BY COLONEL JONES:

Q Now, may I know the fourth reason for your discharge?

XXX

H0980 - 0016

A I challenged the Danzig Gauleiter and one other important official in his immediate vicinity to a duel in order to eliminate them from Danzig politics.

Q I don't think we need to go into that. Do you know any other member of the SS who resigned or was discharged from the SS?

A Yes.

Q How many?

A Six months previous to my own dismissal Bungiler was discharged and went to South America.

Q Was he sent to a concentration camp?

A No.

CROSS EXAMINATION

BY LIEUTENANT HARRIS:

Q What is the reason that your acquaintences in Berlin in 1940 were opposed to the party?

A Especially for idealogical reasons. These people were opposed to the ~~xxxxx~~ terror/reign by the party and opposed to the anti-semitism and opposed to the luxuries that were adhered to, ~~and~~ as most of them were.

Q Those conditions were/generally ~~xxxxxx~~ known, of course, throughout Germany at that time, weren't they?

A Yes, in my opinion the whole of Germany suffered from the whole system but I only saw the conditions in Berlin.

H0980 - 0017

Q Now did you recognize that the principal agency responsible for this rule of terror were the Gestapo, the SS and the SD, weren't they?

A No, I believe that was a little different. Most of the people, the small people suffered under the oppression of the political leaders under the pressure of the Ortsgruppenleiter and the Kreisleiters, and, of course, if these people were annoyed, then the spectre of the Gestapo and so on appeared or loomed before them.

Q Now tell us a little bit more about what the ortsgruppenleiters and the zellenleiters and the ~~xxxixixixixxxxx~~ blockleiters did to terrorize the people.

DR. PELKMANN: If there is an intention to go further into this question I should like to ask you in the interest of my colleague, who is the defense counsel for the political leadership and who should be present, that has been customary up to now.

LIEUTENANT HARRIS: All right.

DR. PELKMANN: Shall I have him called?

COLONEL JONES: I don't know where he is but it is now five o'clock.

MR. MCILWRAITH: I would ~~rather~~ like, if we can find him in a few minutes, ~~we can~~ no finish tonight, because there will be a new commission tomorrow.

Counsel for the Leadership Corps is sent for.

16

H0980-0018

WITNESS: May I make a statement?

MR. MCILWRAITH: Yes.

WITNESS: I am especially anxious to say that the SS in Danzig could have been -

MR. MCILWRAITH: You may not discuss the case. I thought you meant something informal.

(To Lt. Harris) Do you have any ~~xxxx~~ questions that do not touch on the political question until counsel comes back?

LIEUTNEANT HARRIS: I don't believe I have. I have just one or two questions along that line.

MR. MCILWRAITH: And have the French anything?

M. LANOIR: No.

LIEUTENANT HARRIS: I just want to develop one point a little bit and that will be all.

DR. PELKMANN: He will be here in five minutes.

(At this point Dr. Berges enters the Court room and the cross examination continues as follows)

BY LIEUTENANT HARRIS:

Q Will you read the last two questions please?

(The questions are read by the German Court Reporter)

A The terror made within the system itself was in so far as all political power had been placed within the hands of a few. For example, if someone wanted a position such as civil service or with any other department or office he first had to be approved by the ortsgruppenleiter concern-

H0980 - 0019

ing not only his ability but especially his political attitude. If the information about him was unfavorable he could not be given the position or he would meet with other difficulties.

Q And if it came to the attention of the local blockleiters and zellenleiters that this man was not fully in sympathy with the program of the Nazi party he might lose his job, isn't that right?

A He would, at the very least, have certain difficulties, and it is clear that any political system employing people want to employ only those people who agree with it's policy.

Q And it was a part of the duties of the blockleiters and zellenleiters and ortsgruppenleiters to watch the people and report to them as to their adherence to the Nazi program, wasn't it?

A Yes, that could be done, as was formerly done for example by means of convincing or persuading these people to be of the attitude of the system, or it could be done as was done here by means of force, and whether this was exerted in the more severe or not severe capacities differed.

Q Now give us an illustration of how force was applied by these party leaders, blockleiters, zellenleiters, and ortsgruppenleiters?

A I only know of the general fear of the people to be given a bad name or reputation. For when I was

H0980 - 0020

in Berlin I had to live in comparitive seclusion and did not concern myself with political things because there was already something against me.

MR. MCILWRAITH: This is not ~~in~~ an answer to the question.

WITNESS:

A . I know of one case in my neighborhood, the place where I lived -

DR. BERGES: I should like to object because here the witness can only mention one case and the character of millions of people has been impaired.

COLONEL JONES: I would like to answer that objection, as for the last week or so ~~we~~ I have dealt with witnesses for the Leadership ~~cause~~ Corps, Dr. Berges, and I know we have sat and listened to perhaps ten witnesses on the ~~cause~~ Corps of political Leaders who have talked about absolutely nothing except what they themselves have done in their own block and zellen and their own districts. We have had a series of ~~ex~~ incidents concerning individuals, and if they are allowed on one side they should be allowed on the other.

DR. BERGES: If the Kreisleiter speaks as such for his own person, that applies to at least four hundred Kreisleiters, but if a witness says that he lived retired or withdrawn from politics and political leaders the situation is quite a different one, especially if he knows only one such case.

H0980 - 0021

MR. MCILWRAITH: The question is permmissible and the value of the answer will be assessed by the Tribunal. Please answer the question.

WITNESS:

A There were ~~in~~ only a few cases seen by me, a certain Mrs. Loerner lived in my neighborhood and this lady said that the war would probably be lost and this lady by order of the ortsgruppenleiter was then arrested and imprisoned.

BY LIEUNTENANT HARRIS:

Q You mean she was arrested by the Gestapo and put into a concentration camp, don't you?.

A I only leanred that she was arrested. I asked about her about four months afterwards and she had not returned at that time.

Q ~~XXXXXXX~~ Was it a matter of general knowledge among these people you knew to fear the political leaders, that if they controverted the Nazi State in any serious way, that the political leaders would have then turned over to the Gestapo and sent to the concentration camps?

A This fear ~~wi~~ weighed very heavily on the population as it was very general, but the punishment that was meted out differed. At first the people were warned and then re-warned and if the offenses were repeated the ~~con-~~ warnings ~~dition~~ increased until they were actually arrested.

20

H0980 - 0022

LIEUTENANT HARRIS: No further questions.

MR. MCILWRAITH: IS there any re-examination?

DR. HOENSEL: I have just a few more questions.

LIEUTENANT HARRIS: Since it is twenty minutes after five I don't know whether we should hear any further questions.

MR. MCILWRAITH: I want to finish tonight. Will you go ahead and ask your questions?

BY DR. HOENSEL:

Q You said that you complained to Himmler and to Hitler in a memo from Danzig? My question to you is whether the SS in Danzig was completely and wholly under the jurisdiction of the SS Central office in Berlin?

A Yes, it was as a party organization.

Q As a result you were in contact with the German SS troops and could form an opinion of the attitude and conviction that prevailed with the lower/membership of the SS too, couldn't you?

A Until the summer of 1936 I only met in Germany the decent SS people and the decent SS leaders.

Q But didn't you come to know criminals?

A I should even go so far as to say people with a select, decent behavior.

DR. BERGES: I think I can summarize and ask only one question:

H0980-0023

BY DR. BERGES:

Q Witness, the Prosecution asked you in summarizing concerning the ~~xxxxxxx~~ terror of the blockleiters, zellenleiters and ortsgruppenleiter leaders. Now my question is: Are you, witness, informed as to the scope of the tasks and work of these people and their different missions?

A For a period of four years I had the occasion to learn of the work and activities of these offices. As to the office of Kreisleiter in Berlin, I can only say that I knew of their tasks here and what they had to do.

Q And I shall have to refer to your examination in which you mentioned an ortsgruppenleiter, didn't you?

A Yes.

Q Can you confirm that the lower polittical leaders, that is below the rank of ortsgruppenleiter, had little or nothing to do with the political leadership groups?

A These lower instances that had been mentioned ~~were xxxxxxxxxx~~ meant men, what I would call poor individuals, they did nothing but run around from morning until night distributing cards and so on.

DR.BERGES: I think that is sufficient.

(The Commission adjourned at 1730 hours)

Com A
Take 4, page 23
Cook
1600 - 1730
25 June 1946
Kluck

H0980 - 0024

The foregoing is a true and correct transcipt of the testimony of HELMUTH KLUCK, taken on 25 June 1946.

Rose W Cook
Reporter (p)

CERTIFIED TO:

I. D. Whitehurst
Commissioner

Commissioner.

H0980-0025

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL, DATED 13 MARCH 1946.

Tuesday, 25 June 1946.

COMMISSIONER:

Mr. McIlwraith.

THESIS

(The Commission Convened at 1600 hours)

HELMUTH KLUCK, a witness, took the stand, and testified as follows:

MR. MCILWRAITH: Will you stand and raise your right hand and repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

BY MR. MCILWRAITH:

Q. Is your name Helmuth Kluck?

A. Yes.

You may sit down.

DIRECT EXAMINATION

BY DR. HOHN SEL:

Q. Were you a member of the SS, Herr Kluck?

A. Yes, I was a member of the SS in the free state of Danzig, and was employed as a doctor and also as a commissioner until 1936 when I was discharged from the SS because I had been against the party leaders and had opposed the national socialist ideology.

MR. MCILWRAITH: Will you state what it is you expect to prove by this witness?

DR. HOHNSEL: The tasks and objectives of the SS in the free state of Danzig, and the Danzig Commission, and his knowledge of their activities.

H0980-0026

BY DR. HOENSEL:

Q. As you have heard, witness, we are going to speak of Danzig and of the Danzig Commission. Who was the head of the State, the Supremacy of the State or Sovereignty of the State in Danzig?

A. The full sovereignty lay solely within the hands of the Senate of the free state of Danzig. This Senate was composed of a President and several paid and unpaid Senators who were elected and had to pledge their oath to the Constitution. They were supervised by the High Commissioner and by the International League and also by a General Commissioner of the Police.

COLONEL JONES: I don't want to interrupt at this early stage, but the interrpretation, which I suppose can be verified, cannot have any possible bearing upon the points which we are to investigate.

DR. HOENSEL: I will turn to this in just one minute. I only ask these general questions because I don't want to have the opinion arise that the Tribunal was not fully informed on the legal status of the Commission in Danzig.

MR. MCILWRAITH: You may continue.

BY DR. HOENSEL:

Q. In this non-German town of Danzig there was a German SS. Was this German SS under the jurisdiction and command of the General leadership?

A. The NSDAP and the SS in Danzig were the same as everywhere else in Germany. They had their connections in Poland, and Germany, but because of the special position of Danzig the organizations here were placed in a special status, because the constitution of Danzig was above everything else.

Q. Will you please confine yourself to the SS as the Prosecution has asked. Did the SS wear uniforms in Danzig?

A. Yes.

Q. Were you a Senator?

A. Yes, I was a Senator for the Health System of Danzig.

H0980 - 0027

Q. What rank did you have in the SS?

A. In 1933, after a short period of candidacy, I was designated a Sturmfuhrer doctor with equal rank to the title I held as government commissar and medical commissar since 1925. In 1935, in the autumn of 1935, I was promoted to the position of SS Standartenfuhrer on the application of the President of the Senate and this rank was given to me to correspond to the rank of Senator I held then. In 1936 I was discharged and was degraded to the simple SS comman[illegible].

Q. Within your work as SS Commander in the organization of Danzig, did you try to exert any influence toward bringing about an annexation of Danzig.

A. I did not enter the SS for any ideological reasons. I thought I would not be able to retain my position as Government Commissar and medical commissar if I did not enter the party.

Q. Did the SS propose any secret political aims?

A. I do not believe so, for the party slogan in Danzig was that Danzig would remain German.

Q. What is the meaning of the slogan: "Danzig will remain German"? That sounds as if there was an attempt to again incorporate Danzig into the German state.

A. The party slogan only meant that the German nature of Danzig was to be cultivated, because many people in Danzig were afraid that they would become Polish one day, but there was never an unpleasant thought toward a forcible annexation of Danzig to the German Reich, in as much as in 1934 Germany and Poland had formed a friendship pact, and Hitler had repeatedly s aid to us he only wanted a peaceful settlement of the Treaty of Versailles.

Q. Did the SS in Danzig receive any secret instructions contrary to this policy of loyalty?

A. Surely not in my time, first of all I would have learned of this as a SS man and as a commander.

Q. Did other leading democrats, Rauschning, for example, belong to the SS because of this loyal attitude of the SS?

A. Rauschning was an SS Standartenfuhrer and well known because of his political attitude, and he called me into the Senate to be a Senator, and he emigrated from Danzig a short time before I did. When I was tried before the party Tribunal, it was stated by the President that now at last the era of Rauschning was over, but he and I had acted completely loyally and in good faith, and both of us did not know that in a few years developments could arise as they finally did.

Q. Were there any such organizations in Danzig by the SS or any organizations such as secret radio stations or so-called Heimwehr, the defense army, that could be termed by reason of their activity to be a so-called fifth column?

A. No, such a thing did not exist and could not have existed. It was practically impossible. The area of Danzig was small and my estimate of the SS was about six to eight hundred men strong, and it was supervised by the High Commissioner and the Polish Commissioner, which was very active and nothing could have happened that would not have been published in the Polish Press within a few days.

MR. MCILWRAITH: Dr. Hoensel, will you try and get shorter sentences, so they can be translated more or less as we go along?

BY DR. HOENSEL:

Q. Were you ever invited by the High Commissioner or by the Polish Commissioner in your SS uniform, and in your SS capacity, did you carry on any mission, were you esteemed in your attitude as being loyal?

A. I was invited by the High Commissioner of the League of Nations, and I was also invited by the High Commissioner of Poland, but I don't know whether I went there in uniform, but I do know for a fact that the gentlemen knew me and knew I was a member of the SS. I also was a member of the International Trans-Oceanic group , whose President was the High Commissioner and the Commissioner of Poland -

H0980-0028

MR. MCILRAITH: I think that is enough of that now. Can we get on to the tasks of the SS?

BY DR. HOENSEL:

Q. As you already mentioned, you later on left the SS did you do so because you considered the SS a criminal organization, that the tasks were criminal ones, or did you leave for other reasons?

A. I can testify that during my time the SS neither thought nor did anything criminal. There were four serious reasons that took place during the year 1936, and that was why I left the SS.

Q. If these reasons did not concern the SS directly, we are not interested in them. Will you tell us in such a case briefly why you opposed it and why you lef it?

A. I sent a memo to Himmler and also to Hitler and Hess, by the way, in which I severely attacked the party politics. Himmler was the Reichsfuehrer of the SS and my supreme superior as head of the SS.

Q. When did this take place?

A. At the beginning of 1936.

Q. Was this based on any criminal activities or on different political convictions?

A. There was nothing criminal with which I could reproach either the SS or the party. There were just serious mistakes as far as the home policy was concerned with which I could not agree.

Q. And because you helf a different opinion you were able to leave? Was this so only because you held a special position as far as Danzig was concerned, or could you also have left the party or the SS if this had taken place within the Reich proper?

A. I left the SS in Danzig and too I could have done the same thing in Germany, although I believe the consequences would have been more serious ones.

Q. What do you mean by "more serious consequences"?

H0980-0029

A. Formally, there would only have been a discahrge from the SS as in Danzig. But, for example, being a citizen of the free state Danzig, I was able to emigrate to America, a thing I could not have done if I had lived in Germany.

Q. What would have happened to you if you had been in Germany and taken such a position and got into a conflict with the highest leadership groups?

A. I believe it would have meant a complete ruin of my career as far as mysel and my family were concerned.

Q. Would you also have had to fear being placed in a concentration camp, even though just because you were just an SS man?

A. I am afraid I would have beensent to a concentration camp.

Q. You said you went to South America. That means that youwere in a position to judge things from the outside, but in 1940 you returned to Germany, not voluntarily, how do you explain this question which has played a very important role here before the Court, that abroad very much more was known about criminal activities in Germany than was known in Germany itself?

A. When I arrived in America, I was surprised at how little we had known up to now concerning events in Germany. When I returned to Germany at the end of 1940, I was again in my turn surprised at how little the peopl in Germany knew and how little they would listen to me because I wanted to explain things to them.

MR. MCILWRAITH: Dr. Hoensel, you have told us that you called this witness to show the tasks and objectives of the SS, in Danzig. There has been no evidence of that yet. Will you get on with it?

DR. HOENSEL: The question of knowledge of criminal activities was also placed on the agenda.

DR. HOENSEL:

Q. When you returned to Germany you said you were surprised that people were so little informed and understood so little,

H0980-0030

but where you did find understanding, did you also find protest and passive resistance?

A. I should like to answer this question correctly. I no longer had any relation or connection with the party in the SS, but I had a number of acquaintences in Berlin, and I can say, and will say that the majority of these acquaintences were particularly opposed to the party and it's policies.

Q. On your return to Danzig, let us consider the difference in Danzig this opposition lead to, did you openly save the SS and Germany?

A. Dr. Rauschning was the first one who came into severe opposition and was abb to leave the party, and after him I did. In Germany, in my opinion, the people simply could not do anything if they did not want to endanger their very existence. Is that what you mean?

Q. Did Rauschning belong to the SS in Danzig?

A. Yes.

Q. And you, as a Senator, also belonged to the SS in Danzig?

A. Yes.

Q. Then one vuld have to draw the conclusion that in Danzig there could not have been any mention of open criminal or official criminal activities of the SS?

A. No mention can be made, or one cannot speak of any official tendency or aims and criminal tendencies, and I can prove that. But crimes really were commited in later years which disgusted all of us.

Q. Did these have anything to do with the original objectives that you also adhered to until 1937 or were they due to outside influences that came later?

A. Until 1936 there had occurred in Danzig neither any Jewish pogrom, nor had the Nunrberg law become effective. How were we to imagine that anything criminal was intended and many of my comrades who visited Danzig from the Reich

H0980 - 0031

gleaned the same i pression. [illegible] people were not well informed and did not believe in crimes. In my opinion it was always only small circles who knew and had a hand in these things.

Q. When you entered the SS and were standatenfuhrer for many years, you must have had in mind some of the aims of this organization. Were any of these aims connected with any measures that would affect the life and property of the Jews?

A. In order to clarify the point, I was only a standaten-fuhrer for one year. Neither in the party program or the program of the SS nor in our instructions was anything siad that would lead to the conclusion that the anti-semitism was to take on an aggressive, bestial or active character.

Q. Did the original aims differ in Danzig from those in Germany?

A. The original aims were exactly the same.

Q. If later on these original aims were deviated from, that would be the result of measures not included in the original aims?

A. I know, if I may add something, I know very many SS men who were appalled at the course that was steered later on by the SS.

Q. Was the same thing true of a danger of a war? Did you believe that during the years that you were a Senator and standatenfuhrer, that things could be settled without recourse to a war with Poland?

A. We never believed in war all along because Poland and Germany had made a friendship pact and this applied until 1936.

MR. MCILWRAITH: Is there any cross examination?

CROSS EXAMINATION

BY COLONEL JONES:

Q. Witness, you have told us there were four reasons for your discharge from the SS in 1936.

A. Yes.

H0980-0032

H0980-0033

Q. One of them I understand was in connection with a memo you sent to Himmler and Hess, attacking the foreign policy of the Nazi party?

A. No, the home or inner policy of the Danzig party.

Q. What were the other three reasons?

A. The second reason was the death of a SA man. This man was killed during a political central party meeting.

Q. I don't want to go into it at great length, but we can summarize very briefly, how does the death of a SA man affect your leaving or discharge from the SS?

A. This SA man was declared a leader of the party movement and I warned the party not to do so, because in my capacity being in charge of the pathological and anatomical institute I had know the real cause of this man's death. The cause of this man's death was due to a syphilitic heart disease, and with this knowledge of it I told them it would lead to the utmost embarrassment of the party and party leaders.

Q. Now, that is the second reason. May we have the third reason?

A. The third reason was the arrest of a Jewish lady doctor, a Dr. Bech.

Q. Who was that arrest undertaken by?

A. This Jewish lade doctor was arrested under the suspicion of having carried out a criminal abortion and asked me to visit her in her prison.

Q. I don't think we need to go into that any further.

MR. McILWRAITH: Dr. Pelkman, are you wishing to call another witness tonight?

DR. PELKMAN: It is not my turn to call the next witness. The next witness is for the SD.

MR. McILWRAITH: I think not. I think the next witness is Tschentscher.

DR. PELKMANN: I went and looked the other day and decided that if we could not interrogate all of our witnesses, I said I would withdraw that witness.

DR. McILWRAITH: Very well, then we will continue.

WITNESS: I should like to ask a personal request of the Commissioner.

MR. McILWRAITH: Yes.

H0980 - 0034

WITNESS: I should like to have a copy of the record of my interrogation in German.

MR. McILWRAITH: That is not for the Court to decide. You must put that request through the prison governor.

BY COLONEL JONES:

Q. Now, may I know the fourth reason for your discharge?

A. I challenged the Danzig Gauleiter and one other important official in his immediate vicinity to a duel in order to eliminate them from Danzig politics

Q. I don't think we need to go into that. Do you know any other member of the SS who resigned or was discharged from the SS?

A. Yes.

Q. How many?

A. Six months previous to my own dismissal Bungiler was discharged and went to South America.

Q. Was he sent to a concentration camp?

A. No.

CROSS EXAMINATION

BY LIEUTENANT HARRIS:

Q. What is the reason that your acquaintences in Berlin in 1940 were opposed to the party?

A. Especially for idealogical reasons. These people were opposed to the terror reign by the party and opposed to the anti-semitism and opposed to the luxuries that were adhered to, as most of them were.

Q. Those conditions were generally known, of course, throughout Germany at that time, weren't they?

A. Yes, in my opinion the whole of Germany suffered from the whole system but I only saw the conditions in Berlin.

Q. Now did you recognize that the principal agency responsible for this rule of terror were the Gestapo, the SS and the SD, weren't they?

A. No, I believe that was a little different. Most of the people, the small people suffered under the oppression of the political leaders under the pressure of the Ortsgruppenleiter and the Kreisleiters, and, of course, if

H0980 - 0035

those people were annoyed, then the spectre of the Gestapo and so on appeared or loomed before them.

Q. Now tell us a little bit more about what the Ortsgruppenleiters and the zellenleiters and the blockleiters did to terrorize the people.

DR. PELKMANN: If there is an intention to go further into this question I should like to ask you in the interest of my colleague, who is the defense counsel for the political leadership and who should be present, that has been customary up to now.

LIEUTENANT HARRIS: All right.

DR. PELKMANN: Shall I have him called?

COLONEL JONES: I don't know where he is but it is now five o'clock.

MR. McILWRAITH: I would like, if we can find him in a few minutes, to finish tonight, because there will be a new commission tomorrow.

H0980-0036

WITNESS: May I make a statement?

MR. MCILWRAITH: Yes.

WITNESS: I am especially anxious to say that the SS in Danzig could have been --

MR. MCILWRAITH: You may not discuss the case. I thought you meant something informal.

(To Lt. Harris) Do you have any questions that do not touch on the political question until counsel comes back?

LT. HARRIS: I don't believe I have. I have just one or two questions along that line.

MR. MCILWRAITH: And have the French anything?

M. LANOIR: No.

LIEUTENANT HARRIS: I [illegible] to develop one point a little bit and that will be all.

DR. FELCKMANN: He will be here in five minutes.

(At this point DR. BERGES enters the Court room and the cross-examination continues as follows:

BY LIEUTENANT HARRIS:

Q Will you read the lasttwo questions please?

(The questions are read by the German Court Reporter).

A The terror made within the system itself was in so far as all political power had been placed within the hands of a few. For example, if someone wanted a position such as civil service or with any other department or office he first had to be approved by the ortsgruppenleiter concerning not only his ability but especially his political attitude. If the information about him was unfavorable he could not be given the position or he would meet with other difficulties.

Q And if it came to the attention of the local blockleiters and zellenleiters that this man was not fully in sympathy with the program of the Nazi Party he might lose his job, isn't that right?

A He would, at the very least, have certain difficulties, and it is clear that any political system employing people want to employ only those people who agree with it's policy.

Q And it was a part of the duties of the blockleiters and zellen-leiters and ortsgruppenleiters to watch the people and report to them as to

H0980 - 0037

their adherence t o the Nazi Program, wasn't it?

A Yes, that could be done, as was formerly done for example. by means of convincing or persuading these people to beof the attitude of the system, or it could be done as was done here by means of force, and whdther this was exerted in the more severe or not severe capacities differed.

Q Now give us an illustration of how force was applied by these party leaders, blockleiters, zellen leiters, and ortsgruppenleiters?

A I only know of the general fear of the people to be given a bad name or reputation. For whem I was in Berlin I had to live in comparative seclusion and did not concern myself with political things because there eas already something against me.

MR. MCILWRAITH: This is not an answer to thequestion.

WITNESS: I know of one case in my neighborhood, theplace where I lived --

DR. BERGES: I should like to object because here the witness can only mention one case and the character of millions of people has been impaired.

COLONEL JONES: I would like to answer that objection, as for the last week or so I have dealt with witnesses for the Leadership Corps. Dr. Berges and I know we have sat and listened to perhaps ten witnesses on the corps of Political Leaders who have talked about absolutely nothing except what they themselves had done in their own block and zellen and their own districts. We have had a series of incidents concerning individuals, and if they are allowed on one side they should be allowed on the other.

DR. BERGES: If the Kreisleiter speaks as such for his own person, that applies to at least four hundred Kreisleiters, but if a witness says that he lived retired or withdrawn from politics and political leaders the situation is quite a different one, especially if he knows only one such case.

H0980 – 0038

MR. MCILWRAITH: The question is permissible and the value of the answer will be assessedby the Tribunal. Please answer the question.

WITNESS:

A There were only a few cases seen by me, a certain Mrs. Loerner lived in my neighborhood and this lady said that the war would probably be lost and this lady by order of the ortsgruppenleiter was then arrested and imprisoned.

BY LIEUTENANT HARRIS:

Q You mean she was arrested by the Gestapo and put into a concentration camp, don't you?

A I only learned that she was arrested. I asked about her about four months afterwards and she had not returned at that time.

Q Was it a matter of general knowledge among these people you knew to fear the political leaders, that if they controverted the Nazi State in any serious way, that the political leaders would have then turned over to the Gestapo and sent to the concentration camps?

A This fear weighed very heavily on the population as it was very general, but the punishment that was meted out differed. At first the people were warned and then re-warned and if the offenses were repeated the warnings increased until they were actually arrested.

LIEUTENANT HARRIS: No further questions.

MR. MCILWRAITH: Is there any re-examination?

DR. HOENSEL: I have just a few more questions.

LIEUTENANT HARRIS: Since it is twenty minutes after five I don't know whether we should hear any further questions.

MR. MCILWRAITH: I want to finish tonight. Will you go ahead and ask your questions?

BY DR. HOENSEL:

Q You said that you complained to Himmler and to Hitler in a memo from Danzig? My question to you is whether the SS in Danzig was completely and wholly under the jurisdiction of the SS Central Office in Berlin.

A Yes, it was as a party organization.

Q As a result you were in contact with the German SS troops and could form an opinion of the attitude and conviction that prevailed with the lower membership of the SS too, couldn't you?

A Until the summer of 1936 I only met in Germany the decent SS people and the decent SS leaders.

Q But didn't you come to know criminals?

A I should even go so far as to say people with a select, decent behavior.

DR. BERGES: I think I can summarize and ask only one question:

BY DR. BERGES:

Q Witness, the Prosecution asked you in summarizing concerning the terror of the blockleiters, zellenleiters and ortsgruppenleiters. Now my question is: Are you, witness, informed as to the scope of the tasks and work of these people and their different missions?

A For a period of four years I had the occasion to learn of the work and activities of these offices. As to the office of the Kreisleiter in Berlin, I can only say that I knew of their tasks here and what they had to do.

Q And I shall have to refer to your examination in which you mentioned an ortsgruppenleiter, didn't you?

A Yes.

Q Can you confirm that the lower political leaders, that is below the rank of ortsgruppenleiter, had little or nothing to do with the political leadership groups?

A These lower instances that had been mentioned meant men, what I would call poor individuals, they did nothing but run around from morning until night distributing cards and so on.

DR. BERGES: I think that is sufficient.

(The Commission adjourned at 1730 hours).

The foregoing is a true and correct transcript of the testimony of HELMUTH KLUCK, taken on 25 June 1946.

Rose W. Cook
Reporter

CERTIFIED TO:

D. McIlwraith
Commissioner

H0980 - 0039